

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

TERRANCE COLEY,
Plaintiff,

v.

Civil No. 3:20cv974 (DJN)

JOHN WALRATH, *et al.*,
Defendants.

MEMORANDUM OPINION

On January 11, 2021, the Court conditionally docketed Plaintiff's action. (ECF No. 4.) Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on February 11, 2021, the Court directed Plaintiff to pay an initial partial filing fee of \$23.53 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. (ECF No. 8.) *See* 28 U.S.C. § 1915(b)(1) (mandating payment of filing fees by prisoners). Plaintiff has neither paid the initial partial filing fee nor averred that he cannot pay such a fee. Therefore, Plaintiff is not entitled to proceed *in forma pauperis*. Plaintiff's disregard of the Court's directives warrants dismissal of the action. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Let the Clerk file a copy of this Memorandum Opinion electronically and send a copy to Plaintiff.

/s/



David J. Novak
United States District Judge

Richmond, Virginia
Dated: March 23, 2021